

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
COCHISE COUNTY

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the COUNTY OF COCHISE, hereinafter called "COUNTY".

WHEREAS, the State is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE:

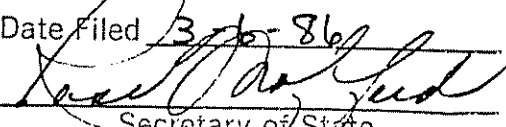
WHEREAS, the COUNTY is empowered by ARS-11-251 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said COUNTY;

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the County. This work shall include the installation of new traffic signals at the following location:

On SR 92 at Garden Drive in Cochise County
Project #S-577-501

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals on SR 92 at Garden Drive in Cochise County.

NO. <u>10975</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>3-16-86</u>
 Secretary of State

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WHEREAS, the State is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE:

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On SR 92 at Garden Drive in Cochise County
Project #S-577-501

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals on SR 92 at Garden Drive in Cochise County.

2. The COUNTY, upon completion of the work shall reimburse the STATE for 50% of the final construction and engineering costs at SR 92 at Garden Drive not to exceed \$40,000 for its share of the cost of this work.

3. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place, and functional.

4. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38-511.

5. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

6. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the COUNTY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

7. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:

for *A. E. Gidd*
State Engineer

DATE:

February 14, 1986

COUNTY OF COCHISE

BY:

V. L. Thompson

TITLE:

Chairman, Board of Supervisors

ATTEST:

DATE:

January 13, 1986

W. L. H. A.
Clerk of the Board of Supervisors

Date: January 13, 1986

EXHIBIT "B"
APPROVAL OF THE COUNTY ATTORNEY

I hereby state that I have reviewed the proposed Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION, and the COUNTY OF COCHISE, and declare the agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 13th day of January, 1986.

COUNTY OF COCHISE

BY:

Deputy

Suzanne B. Hodges
County Attorney

EXHIBIT "C"
LETTER ADDENDUM

In accordance with paragraph #6 of the Agreement AG #79-957, Secretary of State #6072 dated January 4, 1980 for the operation and maintenance of traffic signals and/or highway lighting between the STATE OF ARIZONA and the COUNTY OF COCHISE, it is agreed by both parties that the following intersection be added to the existing list of intersections to be operated and maintained as set forth in said Agreement.

SR 92 at Garden Drive in Cochise County

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:

A. L. Judd
for State Engineer

DATE:

February 14, 1986

COUNTY OF COCHISE

BY:

D. L. Thompson

TITLE:

Chairman, Board of Supervisors

DATE:

January 13, 1986

ATTEST:

D. L. Thompson
Clerk of the Board of Supervisors

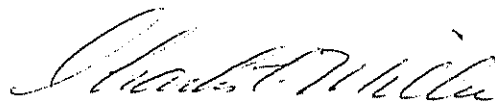
Date: January 13, 1986

Project #S-577-501

SR 92 at Garden Drive in Cochise County MP 324.22

RESOLUTION

BE IT RESOLVED ON THIS 3rd day of December, 1985
1985, that I, CHARLES L. MILLER, as director, ARIZONA
DEPARTMENT OF TRANSPORTATION, have determined that it is in
the best interests of the State of Arizona that the DEPART-
MENT OF TRANSPORTATION, acting by and through the Highways
Division, enter into an Intergovernmental Agreement with the
COUNTY OF COCHISE for the installation of new traffic signals.
Signalization is warranted based on a traffic engineering
study. Cochise County will participate in project costs.
THEREFORE, authorization is hereby given to draft said
Agreement, which upon completion, shall be submitted for
approval and execution by the State Engineer.



Director

ARIZONA DEPARTMENT OF TRANSPORTATION



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 86-110, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 19th day of FEBRUARY, 1986.

ROBERT K. CORBIN
Attorney General

Berry A. McNaughton
Assistant Attorney General
Transportation Division